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**BEFORE THE ARIZONA MEDICAL BOARD**

In the Matter of:

**Richard Carino, M.D.,**

Holder of License No. 25808  
for the practice of allopathic Medicine in  
the State of Arizona, et al.,

Respondent.

No. MD-06-0445A

**Interim Findings of Fact, Conclusions of  
Law and Order**

**(Summary Suspension)**

The Arizona Medical Board having considered this matter at its public meeting June 8, 2006. After reviewing relevant information and deliberating, the Board considered proceedings for summary action against the license of Richard Carino, M.D. who did not appear. Having considered the information in the matter and being fully advised, the Board enters the following Interim Findings of Fact, Conclusion of Law and Order for Summary Suspension of License pending formal hearing or other Board action pursuant to A.R.S. 32-1451(H).

**INTERIM FINDINGS OF FACT**

1. The Arizona Medical Board ("Board") is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.
2. Richard Carino, M.D. ("Respondent") is the holder of License No. 25808 for the practice of allopathic medicine in the State of Arizona.
3. On June 7, 2006, the Board received information that Respondent had been arrested in Florida on a charge of knowingly receiving materials relating to sexual exploitation of minors via interstate commerce. Board staff opened investigation number MD-06-0445A.
4. Respondent is under investigation by the federal Drug Enforcement

1 Administration (DEA) for illegally dispensing prescription drugs online. As a result of  
2 that investigation, a federal search warrant was executed at his offices on July 19, 2005.  
3 During the execution of that search warrant, Respondent's wife told a detective that  
4 Respondent had been viewing child pornography on their home computer. After  
5 receiving permission from the wife, the detective searched the computer and found  
6 several pictures that would be classified as child erotica under Florida law, namely girls  
7 who appeared to be 11 to 15 years of age, fully naked with their legs spread apart and  
8 close up photos of their breasts and genitalia. The detective arranged for a DEA agent to  
9 download a "mirror image" of Respondent's home computer.

10 5. As the DEA was examining another "mirror image" from Respondent's office  
11 computer, they discovered child pornography as well. The DEA investigators notified  
12 the FBI, who obtained a federal search warrant to search the computers for child  
13 pornography.

14 6. On August 25, 2005, a detective was called to Respondent's home in regards to a  
15 domestic dispute that erupted when Respondent's wife caught him viewing child  
16 pornography on his computer. Respondent was arrested for domestic violence. At the  
17 same time, marijuana and drug paraphernalia was seized along with the home computer.  
18 The computer was sent to the Florida Department of Law Enforcement where another  
19 FBI agent assisted in the investigation of Respondent and his activities relating to the  
20 possession, transportation and distribution of child pornography.

21 7. The investigation showed that Respondent's office computer internal log, a Kazaa  
22 file sharing program, revealed that 446 files had been shared (sent or received via the  
23 internet). The files themselves had been erased, but the file names remained and  
24 contained such names as: "pedo" (typically the abbreviation for pedophile); pedo  
25 porn.jpg; pedo-Vicky 6-b.mpg (movie); 5yo boy and 7yo sister; and many more. The  
26

1 dates of these files range from July 22, 2003 to July 19, 2005, the date of the search  
2 warrant execution.

3 8. The investigation showed that Respondent's home computer contained the same  
4 Kazaa log as the office computer containing similar names of files along with graphic  
5 description of the sexual acts depicted in the picture or movie. Again the images had  
6 been erased. However, three video files were found in the home computer. All three  
7 contained graphic acts of oral, anal, and vaginal sex with children, one of which  
8 appeared to be as young as 6 years old.

9 9. As a result of the investigation, an arrest warrant was obtained and Respondent  
10 was arrested and released on a \$30,000 unsecured bond.

11 10. Respondent did not inform the Board of his August 25, 2005 arrest for domestic  
12 violence nor his federal arrest for the child pornography charges.

13 11. During the investigation, Board staff learned that Respondent had been placed into  
14 the Florida program for impaired professionals for substance abuse issues.

15 **INTERIM CONCLUSIONS OF LAW**

16 12. The Board possesses jurisdiction of the subject matter hereof and over the  
17 Respondent, holder of license number 25808 for the practice of allopathic medicine in  
18 the State of Arizona.

19 13. The conduct and circumstances described above constitute unprofessional conduct  
20 pursuant to A.R.S. § 32-1401(27)(a) "violating any federal or state laws, rules or  
21 regulations applicable to the practice of medicine" for failing to timely inform the Board  
22 of his arrests as required by A.R.S. § 32-3208(A) "a health professional who has been  
23 charged with a misdemeanor involving conduct that may affect patient safety or a felony  
24 after receiving or renewing a license or certificate must notify the health professional's  
25 regulatory board in writing within ten working days after the charge is filed.  
26

1 14. The conduct and circumstances described above constitute unprofessional conduct  
2 pursuant to A.R.S. § 32-1401(27)(d) "committing a felony, whether or not involving  
3 moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction  
4 by any court of competent jurisdiction or a plea of no contest is conclusive evidence of  
5 the commission."

6 15. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the  
7 public health, safety or welfare imperatively requires emergency action. A.R.S. 32-  
8 1451(D).

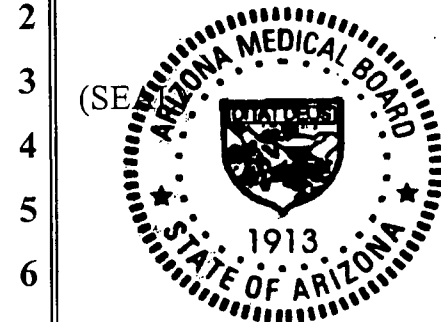
9 **ORDER**

10 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth  
11 above, IT IS HEREBY ORDERED THAT:

- 12 1. Respondent's license number 25808 for the practice of allopathic medicine in the  
13 State of Arizona is summarily suspended pending formal hearing before an  
14 Administrative Law Judge from the Office of Administrative Hearings.  
15
- 16 2. The Interim Findings of Fact and Conclusions of Law constitute written notice to  
17 Respondent of the charges of unprofessional conduct made by the Board against  
18 him. The Respondent is entitled to a formal hearing to defend these charges as  
19 expeditiously as possible after the issuance of this Order.  
20
- 21 3. The Executive Director is instructed to refer this matter to the Office of  
22 Administrative Hearings for scheduling an administrative hearing to be  
23 commenced as expeditiously as possible from the date of issuance of this Order,  
24 unless stipulated or agreed otherwise by Respondent.  
25  
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1 DATED AND EFFECTIVE this 9<sup>th</sup> day of June, 2006.

2 Arizona Medical Board



  
Timothy C. Miller, J.D.  
Executive Director

8 Original filed this 9<sup>th</sup> day of  
June, 2006, with:

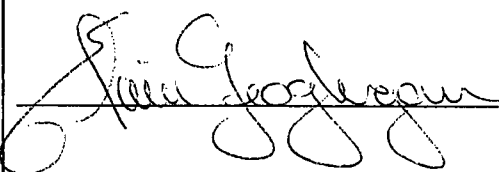
9 Arizona Medical Board  
10 9545 East Doubletree Road  
Scottsdale, AZ 85258

11 Executed Copy of the foregoing was  
12 Mailed By U.S. Certified Mail  
this 9<sup>th</sup> day of June, 2006, to:

13 Richard Carino, MD  
14 Address of Record

15 Copy of the foregoing was  
16 Mailed this 9<sup>th</sup> day of June, 2006, to:

17 Dean E. Brekke  
18 Office of Arizona Attorney General  
1275 W. Washington CIV/LES  
Phoenix Arizona 85007

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